

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL ACTION NO: 1:23-CV-00041

JACOB DOE,

Plaintiff,

v.

THE UNIVERSITY OF NORTH
CAROLINA SYSTEM, et al.

Defendants.

DEFENDANTS' RESPONSE TO
PLAINTIFF'S MOTION FOR
LEAVE TO PROCEED UNDER
PSEUDONYM

On February 15, 2023, Plaintiff Jacob Doe filed his Complaint, Motion For Leave To Proceed Under Pseudonym ("Pseudonym Motion"), and supporting Brief, among other submissions. ECF 1, 2, and 3.

The Complaint uses the pseudonym Jacob Doe for Plaintiff's name. Plaintiff contends that the Complaint involves matters that are highly sensitive and personal in nature and that he will suffer reputational harm if he uses his true name. ECF 3 at 2.

The Complaint uses the pseudonyms Janes Roes 1, 2, 3, and 4 instead of the names of the four female students who reported Plaintiff for sexual misconduct. ECF 1 *passim*. Pseudonyms are also used for other students who witnessed this misconduct and were involved in the related investigations. *See, e.g., id.* at 30 n.4, 31 n.5, 33 n.6, 39 n.7, 44 n.12.

Defendants timely sought, and the Court granted, an extension until May 8, 2023, to respond to Plaintiff's Pseudonym Motion. ECF 29 *and see* Text-Only Order entered March 27, 2023.

Defendants have moved to dismiss the Complaint in its entirety. ECF 32 and 34.

Accordingly, Defendants respond to the Pseudonym Motion as follows:

Defendants do not oppose Plaintiff's request to proceed under a pseudonym at this case's current stage of initial pleading and motion practice. Similarly, Defendants agree that the other students referenced in the Complaint should be afforded the anonymity of pseudonyms at this stage for the same reasons Plaintiff requests to proceed anonymously. Consistent with this position, Defendants' motions to dismiss and supporting briefs use the pseudonyms chosen by Plaintiff.

If the Court determines that Plaintiff should be allowed to proceed with some of his claims, Defendants do not oppose Plaintiff's request to proceed under a pseudonym in subsequent public filings with the Court up to and through summary judgment. Defendants also agree that the other students should be afforded the same anonymity of pseudonyms in public filings with the Court through pretrial submissions.

Defendants respectfully suggest that if the Court allows Plaintiff to proceed beyond summary judgment, the parties should have an opportunity to meet and confer, and the Court may adopt appropriate measures to address student confidentiality in a trial setting.

This 8th day of May, 2023.

JOSHUA H. STEIN
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION FOR LEAVE TO PROCEED UNDER PSEUDONYM** with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all registered CM/ECF users.

This 8th day of May, 2023.

/s/ Jeremy D. Lindsley
Jeremy D. Lindsley
Attorney for Defendants